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*Attorneys for Plaintiffs Carolina Bernal Strifling and Willow Wren Turkal, on behalf of themselves and all others similarly situated*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

CAROLINA BERNAL STRIFLING and  
WILLOW WREN TURKAL, on behalf of  
themselves and all others similarly situated,

## Plaintiffs,

V.

TWITTER, INC.

**Defendant**

Case No. 4:22-cv-07739-JST

**PLAINTIFFS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

1 Plaintiffs submit this Notice of Supplemental Authority in order to bring to the Court's  
2 attention a recent decision in Zeman v. Twitter, Inc. et al., Civ. Act. No. 3:23-cv-01786-SI, Order  
3 Denying Defendants' Motion to Dismiss Plaintiff's First Amended Complaint, Dkt. 62 (N.D.  
4 Cal. Apr. 18, 2024) (attached as Exhibit A). In that case, the plaintiff brought an age  
5 discrimination claim against Twitter under the Age Discrimination in Employment Act  
6 ("ADEA"), 29 U.S.C. §§ 621 *et seq.*, and the New York State Human Rights Law ("NYSHRL"),  
7 N.Y. Exec. § 296. In her well-reasoned decision, Judge Illston denied Twitter's motion to  
8 dismiss Plaintiff's First Amended Complaint on a disparate treatment theory. See Zeman, at pp.  
9 4-9 (Exhibit A).

10 Notably, Judge Illston had dismissed the disparate treatment claim in the original Zeman  
11 complaint largely relying on this Court's Order (Dkt. 38) dismissing Plaintiffs' Complaint. Judge  
12 Illston reasoned that "plaintiff [had] not pled that his performance was satisfactory or that the  
13 younger employees who were retained were similarly situated to the older employees who were  
14 laid off." Zeman v. Twitter, Inc., 2023 WL 5599609, at \*3 (N.D. Cal. Aug. 29, 2023). Plaintiff  
15 Zeman then submitted an amended complaint that contained allegations regarding his  
16 performance that largely mirror the allegations included in Plaintiffs' Second Amended  
17 Complaint (Dkt. 61) in this matter that Twitter now challenges. Like in this case, Twitter argued  
18 in Zeman that the plaintiff's performance allegations were too cursory. See Zeman, at p. 5  
19 (Exhibit A). Judge Illston rejected Twitter's argument, relying on the Ninth Circuit in Sheppard  
20 v. David Evans & Assoc., 694 F.3d 1045, 1049-50 (9th Cir. 2012). See Zeman, at pp. 5-9.

1 Respectfully submitted,

2 CAROLINA BERNAL STRIFLING and WILLOW  
3 WREN TURKAL, on behalf of themselves and all  
others similarly situated,

4 By their attorneys,

5 /s/ Shannon Liss-Riordan  
6 Shannon Liss-Riordan, SBN 310719  
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12 Dated: April 19, 2024  
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1                   **CERTIFICATE OF SERVICE**

2                   I, Shannon Liss-Riordan, hereby certify that a true and accurate copy of this document  
3 was served on counsel for Defendant Twitter, Inc. via the CM/ECF system on April 19, 2024.

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5                   /s/ Shannon Liss-Riordan  
6                   Shannon Liss-Riordan  
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